

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re Application of ELEMENT SIX
TECHNOLOGIES LIMITED for an Order Pursuant to
28 U.S.C. § 1782,

Petitioner,

- against -

PURE GROWN DIAMONDS, INC.,

Respondent.

ORDER

18 Misc. 418 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On January 2, 2019, this Court issued an order granting Petitioner's application for discovery in aid of a lawsuit pending in Singapore. (Dkt. No. 28) The Order grants Petitioner's application "only to the following extent: documents and testimony sufficient to establish the provenance of Sample 3, including invoices, purchase orders, and shipping documents concerning Sample 3, and communications between [Respondent Pure Grown Diamonds, Inc., ("PGD")] and the entity that supplied Sample 3 to PGD concerning Sample 3." (Id. at 15-16)

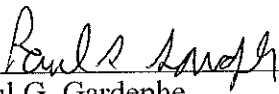
On January 18, 2019, the parties filed a joint letter regarding a dispute over the meaning of the January 2, 2019 Order. (Dkt. No. 31) Petitioner argues that the Court's Order requires Respondent to provide discovery "regarding the entire provenance of Sample 3," from the "cultivation [of Sample 3] through cutting, polishing, and preparation of the gemstone." (Id. at 1-2) Respondent argues that the Court's Order requires it to provide discovery regarding "the sale of the finished diamond gemstone from PGD's immediate predecessor to PGD." (Id. at 2)

Respondent represents that “the origins of Sample 3 beyond the supplier to PGD exceeds PGD’s knowledge. . . . PGD is not withholding such information.” (Id. at 5 n.6)

As the January 2, 2019 Order states, Petitioner is entitled to discovery sufficient to establish what entity provided Sample 3 to Respondent. Petitioner is not entitled to discovery regarding the cultivation, cutting, polishing, and preparation of Sample 3.

Dated: New York, New York
January 18, 2019

SO ORDERED.



Paul G. Gardephe
United States District Judge